

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF LOUISIANA
ALEXANDRIA DIVISION

MANUEL ARIZMENDI-BURGOS, CIVIL ACTION NO. 1:20-CV-0354-P
Petitioner

VERSUS JUDGE DRELL

DAVID RIVERA, MAGISTRATE JUDGE PEREZ-MONTES
Respondent

MEMORANDUM ORDER

Before the Court is a Petition for Writ of Habeas Corpus under 28 U.S.C. § 2241 (ECF No. 1) filed by *pro se* Petitioner Manuel Arizmendi-Burgos (“Arizmendi-Burgos”) (A#078181263). Arizmendi-Burgos is a detainee in the custody of the Bureau of Immigration and Customs Enforcement (“ICE”), presently detained at the Pine Prairie Correctional Center in Pine Prairie, Louisiana. ECF No. 3.

Because Arizmendi-Burgos alleges that he has been denied proper administrative review in violation of his due process rights, his Petition (ECF No. 1) should be SERVED on the Government.

I. Background

Arizmendi-Burgos is a native and citizen of Mexico. ECF. No. 1-2. Arizmendi-Burgos originally entered the United States in Arizona in 1990 and was ordered removed on May 23, 2000. *See Arizmendi-Burgos v. Rivera*, 1:20-cv-270, ECF No. 1 at 11, 14. Arizmendi-Burgos alleges that he was taken into ICE custody in January 2019, and his prior order of removal was reinstated. *See id.* at ECF No. 1 at 5, 8.

Arizmendi-Burgos alleges that ICE issued a Decision to Continue Detention under 8 C.F.R. § 241.4 without providing him with the requisite advance notice. Since he did not receive notice, Arizmendi-Burgos was not able to submit evidence in support of his release. ECF No. 1. Thus, Arizmendi-Burgos alleges he was deprived of due process regarding his detention.

II. Service of Process

To determine whether Arizmendi-Burgos is entitled to any relief:

THE CLERK IS DIRECTED to serve a summons, a copy of the Petition (ECF No. 1), and a copy of this Order, by certified mail, on the United States through the United States Attorney for the Western District of Louisiana, the United States Attorney General, DHS/ICE through its Director, and the Warden of the Pine Prairie Correctional Center.

IT IS ORDERED that Respondents file an answer to the Petition (ECF No. 1) within 60 days following the date of service. In the answer, Respondents shall provide the Court with summary judgment evidence indicating whether Arizmendi-Burgos received timely and meaningful notice of his Custody Review and whether his detention is otherwise lawful. This evidence shall include information regarding when and where notice was provided and any administrative decisions relating to Petitioner's detention.

Respondents shall also file a memorandum of law briefing the issues raised in the answer and citing applicable statutory and case law.

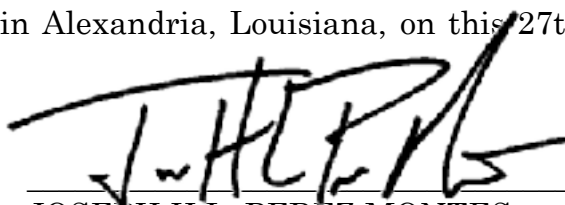
IT IS FURTHER ORDERED that Petitioner shall have 30 days following the filing of Respondents' answer to produce contradictory summary judgment evidence on the issue of the lawfulness of his detention.

All documentary exhibits MUST HAVE PROPERLY NUMBERED PAGES. An index describing each item attached to the response and showing each item's page number shall also be attached.

FINALLY, IT IS ORDERED that, as a condition to their acceptance by the Clerk, all future filings by Petitioner and Respondents shall include a certificate stating that a copy thereof has been mailed to all other parties.

After the record is complete and all delays have run, the Court will determine if genuine issues of material fact exist, which preclude summary judgment and necessitate an evidentiary hearing. If no hearing is necessary, a Report and Recommendation will be issued without further notice.

THUS DONE AND SIGNED in Alexandria, Louisiana, on this 27th day of April 2020.



JOSEPH H.L. PEREZ-MONTES
UNITED STATES MAGISTRATE JUDGE